

## 46 Am. Jur. 2d Judges § 108

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### Judges

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### IX. Disqualification to Act in Particular Case

#### B. Grounds for Disqualification

##### 2. Interests as Grounds for Disqualification

##### b. Particular Interests as Grounds for Disqualification

##### (4) Other Interests as Disqualifying

## § 108. Judge's status as citizen, resident, or taxpayer as grounds for disqualification

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  42, 44

The general rule is that no disqualification exists on the ground that a judge is also a citizen and taxpayer in a case where the municipality in which he or she resides is involved, unless the effect on the interests of the judge is immediate and appreciable.<sup>1</sup> The interest which the judge has in common with others in public questions, or a general interest in public proceedings or public measures which he or she feels in common with a mass of citizens, does not disqualify the judge.<sup>2</sup> A judge's status as a mere citizen of a municipality is not a disqualifying factor, even where the municipality will directly benefit as a result of the judge's ruling in a matter.<sup>3</sup> The fact that a judge is a resident and taxpayer of a municipality thus does not disqualify the judge from presiding in actions involving public contracts or improvements.<sup>4</sup>

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### Footnotes

- <sup>1</sup> [City of Valdosta v. Singleton](#), 197 Ga. 194, 28 S.E.2d 759 (1944).  
The judge's interest which is merely indirect, incidental, remote, contingent, or possible or based on his status as a resident or taxpayer in which he will be no more affected by any decision which may be made in the case than every other citizen of the county who is a taxpayer is not disqualifying. [Fuelberg v. State](#), 410 S.W.3d 498 (Tex. App. Austin 2013).
- <sup>2</sup> [City of Valdosta v. Singleton](#), 197 Ga. 194, 28 S.E.2d 759 (1944).
- <sup>3</sup> [Matter of Bo](#), 365 N.W.2d 847 (N.D. 1985).

4 City of Valdosta v. Singleton, 197 Ga. 194, 28 S.E.2d 759 (1944).

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